

**Introduced by Committee on Business, Professions and Economic Development (Senators Price (Chair), Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Strickland, Vargas, and Wyland)**

March 12, 2012

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An act to amend Sections 2021, 2064, 2184, 2220, 2424, 2516, 2518, 2904.5, 3057.5, 3742, 3750, 3750.5, 4980.04, 4980.34, 4980.398, 4980.399, 4980.78, 4980.80, 4984.4, 4989.16, 4989.42, 4992.07, 4992.09, 4996.6, 4999.22, 4999.32, 4999.57, 4999.58, 4999.59, 4999.90, 4999.106, and 4999.120 of, to add Section 144.5 to, and to repeal and amend Section 4999.45 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1575, as introduced, Committee on Business, Professions and Economic Development. Professions and vocations.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

(1) Under existing law, specified professions and vocations boards are required to require an applicant to furnish to the board a full set of fingerprints in order to conduct a criminal history record check.

This bill would authorize such a board to request, and would require a local or state agency to provide, certified records of, among other things, all arrests and convictions needed by a board to complete an applicant or licensee investigation.

(2) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Under existing law, the board issues a physician and

surgeon's certificate to a licensed physician and surgeon. Existing law provides for the licensure and regulation of the practice of podiatric medicine by the California Board of Podiatric Medicine within the Medical Board of California.

Existing law requires the Medical Board of California and the California Board of Podiatric Medicine to provide written notification by certified mail to any physician and surgeon or podiatrist who does not renew his or her license within 60 days of expiration.

This bill would require the Medical Board of California and the California Board of Podiatric Medicine to provide that written notification either by certified mail or by electronic mail if requested by the licensee. The bill would require the Medical Board of California to annually send an electronic notice to all licensees and applicants requesting confirmation that his or her electronic mail address is current.

Existing law authorizes the Medical Board of California to take action against all persons guilty of violating the Medical Practice Act. Existing law requires the Medical Board of California to enforce and administer various disciplinary provisions as to physician and surgeon certificate holders.

This bill would specify that those certificate holders include those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders.

(3) Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensure and regulation of the practice of licensed midwifery by the Medical Board of California. A violation of the act is a crime. Under existing law, these licenses are subject to biennial renewal that includes the payment of a specified fee and the completion of specified continuing education.

This bill would exempt a licensee from those renewal requirements if the licensee has applied to the board and has been issued a retired status license. The bill would prohibit the holder of a retired status license from engaging in the practice of midwifery. Because a violation of that prohibition would constitute a crime, the bill would impose a state-mandated local program.

(4) Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law provides that a licensed psychologist is a health care practitioner for purposes of specified telehealth provisions that concern

the delivery of health care via information and communication technologies.

This bill would instead provide that a licensed psychologist is a health care provider subject to those telehealth provisions.

(5) Existing law, the Respiratory Care Practice Act, provides for the licensure and regulation of the practice of respiratory care by the Respiratory Care Board of California.

Under existing law, during the period of any clinical training, a student respiratory care practitioner is required to be under the direct supervision, as defined, of a person holding a valid and current license.

This bill would require such a student to be under the direct supervision of a person with a valid, current, and unrestricted license.

Existing law authorizes the board to order the denial, suspension, or revocation of, or the imposition of probationary conditions upon, a license for specified causes including a pattern of substandard care.

This bill would expand that provision to also include negligence in the licensee's practice as a respiratory care practitioner, or in any capacity as a health care worker, consultant, supervisor, manager or health facility owner, or as a party responsible for the care of another.

Existing law authorizes the board to deny, suspend, place on probation, or revoke the license of any applicant or licenseholder who has obtained, possessed, used, or administered to himself or herself, or furnished or administered to another, any controlled substances or dangerous drug, except as directed by a specified health care provider.

This bill would also make illegally possessing any associated paraphernalia a ground for the denial, suspension, placing on probation, or revocation of a license.

(6) Under existing law, the Board of Behavioral Sciences is responsible for the licensure and regulation of marriage and family therapists, licensed educational psychologists, licensed clinical social workers, and licensed professional clinical counselors.

Under existing law, a license that is not renewed within 3 years after its expiration may not be renewed. However, the former licensee is authorized to apply for and obtain a new license if certain requirements are met, including, but not limited to, passing one or more current licensing examinations, as specified and submitting certain fees.

This bill would additionally require a former licensee to comply with the fingerprint requirements established by board regulation or as directed by the board.

(A) Existing law, the Marriage and Family Therapist Act, with respect to applicants for licensure or registration by reciprocity or for those applicants who obtained education or experience outside of California that apply on and after January 1, 2014, existing law provides that education is substantially equivalent if certain requirements are met, including the completion of a course in California law and professional ethics.

This bill would require that course to be 18 hours in length.

For persons who apply for licensure between January 1, 2010, and December 31, 2013, existing law authorizes the board to issue a license to a person who holds a valid license from another state if certain requirements are met, including the completion of specified coursework or training. Existing law provides that an applicant who completed a specified course in law and professional ethics is required to complete an 18-hour course in California law and professional ethics.

This bill would instead specify that an 18-hour course in California law and professional ethics is only required if the above specified course in law and professional ethics does not meet certain requirements.

The bill would rename the act as the Licensed Marriage and Family Therapist Act.

(B) Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of the practice of professional clinical counseling by the Board of Behavioral Sciences.

Under existing law, to qualify for registration, an intern applicant is required to meet certain qualifications. With respect to applicants for registration who began graduate study before August 1, 2012, and complete study on or before December 31, 2018, an applicant is required to complete a minimum of 18 contact hours of instruction in California law and professional ethics prior to registration as an intern.

This bill would describe the content of that instruction for professional clinical counselors.

Existing law authorizes the board to refuse to issue any registration or license, or to suspend or revoke the registration or license of any intern or licensed professional clinical counselor, if the applicant, licensee, or registrant has been guilty of unprofessional conduct that includes, but is not limited to, the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of specified substances, or any combination thereof.

This bill would delete the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of specified substances, or any combination thereof, from the list of what constitutes professional conduct. The bill would make it unprofessional conduct to willfully violate specified provisions governing patient access to health care records.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 144.5 is added to the Business and  
2 Professions Code, to read:

3 144.5. Notwithstanding any other provision of law, a board  
4 described in Section 144 may request a local or state agency to  
5 provide certified records of all arrests and convictions, certified  
6 records regarding probation, and any and all other related  
7 documentation needed to complete an applicant or licensee  
8 investigation. The local or state agency shall provide those records  
9 to the board upon receipt of such a request.

10 SEC. 2. Section 2021 of the Business and Professions Code is  
11 amended to read:

12 2021. (a) If the board publishes a directory pursuant to Section  
13 112, it may require persons licensed pursuant to this chapter to  
14 furnish any information as it may deem necessary to enable it to  
15 compile the directory.

16 (b) Each licensee shall report to the board each and every change  
17 of address within 30 days after each change, giving both the old  
18 and new address. If an address reported to the board at the time of  
19 application for licensure or subsequently is a post office box, the  
20 applicant shall also provide the board with a street address. If  
21 another address is the licensee's address of record, he or she may  
22 request that the second address not be disclosed to the public.

1 (c) Each licensee shall report to the board each and every change  
2 of name within 30 days after each change, giving both the old and  
3 new names.

4 (d) *The board shall annually send an electronic notice to each*  
5 *applicant and licensee who has chosen to receive correspondence*  
6 *via electronic mail that requests confirmation from the applicant*  
7 *or licensee that his or her electronic mail address is current. An*  
8 *applicant or licensee that does not confirm his or her electronic*  
9 *mail address shall receive correspondence at a mailing address*  
10 *provided pursuant to subdivision (b).*

11 SEC. 3. Section 2064 of the Business and Professions Code is  
12 amended to read:

13 2064. Nothing in this chapter shall be construed to prevent a  
14 regularly matriculated student undertaking a course of professional  
15 instruction in an approved medical school, or to prevent a foreign  
16 medical student who is enrolled in an approved medical school  
17 ~~and~~ or clinical training program in this state, or to prevent students  
18 enrolled in a program of supervised clinical training under the  
19 direction of an approved medical school pursuant to Section 2104,  
20 from engaging in the practice of medicine whenever and wherever  
21 prescribed as a part of his or her course of study.

22 SEC. 4. Section 2184 of the Business and Professions Code is  
23 amended to read:

24 2184. (a) Each applicant shall obtain on the written  
25 examination a passing score, established by the board pursuant to  
26 Section 2177.

27 (b) (1) Passing scores on each step of the United States Medical  
28 Licensing Examination shall be valid for a period of 10 years from  
29 the month of the examination for purposes of qualification for  
30 licensure in California.

31 (2) The period of validity provided for in paragraph (1) may be  
32 extended by the board for any of the following:

33 (A) For good cause.

34 (B) For time spent in a postgraduate training program, including,  
35 but not limited to, residency training, *clinical training*, fellowship  
36 training, remedial or refresher training, or other training that is  
37 intended to maintain or improve medical skills.

38 (C) For an applicant who is a physician and surgeon in another  
39 state or a Canadian province who is currently and actively  
40 practicing medicine in that state or province.

(3) Upon expiration of the 10-year period plus any extension granted by the board under paragraph (2), the applicant shall pass the Special Purpose Examination of the Federation of State Medical Boards or a clinical competency written examination determined by the board to be equivalent.

SEC. 5. Section 2220 of the Business and Professions Code is amended to read:

2220. Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. The board shall enforce and administer this article as to physician and surgeon certificate holders, *including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders*, and the board shall have all the powers granted in this chapter for these purposes including, but not limited to:

(a) Investigating complaints from the public, from other licensees, from health care facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct. The board shall investigate the circumstances underlying a report received pursuant to Section 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining order should be issued. The board shall otherwise provide timely disposition of the reports received pursuant to Section 805 and Section 805.01.

(b) Investigating the circumstances of practice of any physician and surgeon where there have been any judgments, settlements, or arbitration awards requiring the physician and surgeon or his or her professional liability insurer to pay an amount in damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with respect to any claim that injury or damage was proximately caused by the physician's and surgeon's error, negligence, or omission.

(c) Investigating the nature and causes of injuries from cases which shall be reported of a high number of judgments, settlements, or arbitration awards against a physician and surgeon.

SEC. 6. Section 2424 of the Business and Professions Code is amended to read:

2424. (a) ~~The Division of Licensing board~~ or the California Board of Podiatric Medicine, as the case may be, shall notify in writing *either* by certified mail, return receipt requested, *or by*

1 *electronic mail if requested by the licensee*, any physician and  
2 surgeon or any podiatrist who does not renew his or her license  
3 within 60 days from its date of expiration.

4 (b) Notwithstanding Section 163.5, any such licensee who does  
5 not renew his or her expired license within 90 days of its date of  
6 expiration shall pay all the following fees:

7 (1) The renewal fee in effect at the time of renewal.

8 (2) A penalty fee equal to 50 percent of the renewal fee.

9 (3) The delinquency fee required by Section 2435 or 2499.5, as  
10 the case may be.

11 (c) Notwithstanding any other provision of law, the renewal of  
12 any expired physician's and surgeon's or podiatrist's license within  
13 six months from its date of expiration shall be retroactive to the  
14 date of expiration of that license. The division or board, for good  
15 cause, may waive the 50 percent penalty fee and may extend  
16 retroactivity up to two years from the expiration date of any such  
17 license.

18 SEC. 7. Section 2516 of the Business and Professions Code is  
19 amended to read:

20 2516. (a) Each licensed midwife who assists, or supervises a  
21 student midwife in assisting, in childbirth that occurs in an  
22 out-of-hospital setting shall annually report to the Office of  
23 Statewide Health Planning and Development. The report shall be  
24 submitted no later than March 30, with the first report due in March  
25 2008, for the prior calendar year, in a form specified by the board  
26 and shall contain all of the following:

27 (1) The midwife's name and license number.

28 (2) The calendar year being reported.

29 (3) The following information with regard to cases in California  
30 in which the midwife, or the student midwife supervised by the  
31 midwife, assisted during the previous year when the intended place  
32 of birth at the onset of care was an out-of-hospital setting:

33 (A) The total number of clients served as primary caregiver at  
34 the onset of care.

35 (B) The total number of clients served with collaborative care  
36 available through, or given by, a licensed physician and surgeon.

37 (C) The total number of clients served under the supervision of  
38 a licensed physician and surgeon.

39 (D) The number by county of live births attended as primary  
40 caregiver.



1 (E) The number, by county, of cases of fetal demise, infant  
2 deaths, and maternal deaths attended as primary caregiver at the  
3 discovery of the demise or death.

4 (F) The number of women whose primary care was transferred  
5 to another health care practitioner during the antepartum period,  
6 and the reason for each transfer.

7 (G) The number, reason, and outcome for each elective hospital  
8 transfer during the intrapartum or postpartum period.

9 (H) The number, reason, and outcome for each urgent or  
10 emergency transport of an expectant mother in the antepartum  
11 period.

12 (I) The number, reason, and outcome for each urgent or  
13 emergency transport of an infant or mother during the intrapartum  
14 or immediate postpartum period.

15 (J) The number of planned out-of-hospital births at the onset of  
16 labor and the number of births completed in an out-of-hospital  
17 setting.

18 (K) The number of planned out-of-hospital births completed in  
19 an out-of-hospital setting that were any of the following:

20 (i) Twin births.

21 (ii) Multiple births other than twin births.

22 (iii) Breech births.

23 (iv) Vaginal births after the performance of a cesarean section.

24 (L) A brief description of any complications resulting in the  
25 morbidity or mortality of a mother or ~~an infant~~ *a neonate*.

26 (M) Any other information prescribed by the board in  
27 regulations.

28 (b) The Office of Statewide Health Planning and Development  
29 shall maintain the confidentiality of the information submitted  
30 pursuant to this section, and shall not permit any law enforcement  
31 or regulatory agency to inspect or have copies made of the contents  
32 of any reports submitted pursuant to subdivision (a) for any  
33 purpose, including, but not limited to, investigations for licensing,  
34 certification, or regulatory purposes.

35 (c) The office shall report to the board, by April 30, those  
36 licensees who have met the requirements of subdivision (a) for  
37 that year.

38 (d) The board shall send a written notice of noncompliance to  
39 each licensee who fails to meet the reporting requirement of  
40 subdivision (a). Failure to comply with subdivision (a) will result

1 in the midwife being unable to renew his or her license without  
2 first submitting the requisite data to the Office of Statewide Health  
3 Planning and Development for the year for which that data was  
4 missing or incomplete. The board shall not take any other action  
5 against the licensee for failure to comply with subdivision (a).

6 (e) The board, in consultation with the office and the Midwifery  
7 Advisory Council, shall devise a coding system related to data  
8 elements that require coding in order to assist in both effective  
9 reporting and the aggregation of data pursuant to subdivision (f).  
10 The office shall utilize this coding system in its processing of  
11 information collected for purposes of subdivision (f).

12 (f) The office shall report the aggregate information collected  
13 pursuant to this section to the board by July 30 of each year. The  
14 board shall include this information in its annual report to the  
15 Legislature.

16 (g) Notwithstanding any other provision of law, a violation of  
17 this section shall not be a crime.

18 SEC. 8. Section 2518 of the Business and Professions Code is  
19 amended to read:

20 2518. (a) Licenses issued pursuant to this article shall be  
21 renewable every two years upon payment of the fee prescribed by  
22 Section 2520 and submission of documentation that the  
23 licenseholder has completed 36 hours of continuing education in  
24 areas that fall within the scope of the practice of midwifery, as  
25 specified by the board.

26 (b) Each license not renewed shall expire, but may be reinstated  
27 within five years from the expiration upon payment of the  
28 prescribed fee and upon submission of proof of the applicant's  
29 qualifications as the board may require.

30 (c) *A licensee is exempt from the payment of the renewal fee  
31 required by Section 2520 and the requirement for continuing  
32 education if the licensee has applied to the board for, and been  
33 issued, a retired status license. The holder of a retired status  
34 license may not engage in the practice of midwifery.*

35 SEC. 9. Section 2904.5 of the Business and Professions Code  
36 is amended to read:

37 2904.5. A psychologist licensed under this chapter is a licentiate  
38 for purposes of paragraph (2) of subdivision (a) of Section 805,  
39 and thus is a health care ~~practitioner~~ provider subject to the

1 provisions of Section 2290.5 ~~pursuant to subdivision (b) of that~~  
2 ~~section.~~

3 SEC. 10. Section 3057.5 of the Business and Professions Code  
4 is amended to read:

5 3057.5. Notwithstanding any other provision of this chapter,  
6 the board shall permit a ~~person~~ *graduate of a foreign university*  
7 who meets all of the following requirements to take the  
8 examinations for a certificate of registration as an optometrist:

- 9 (a) Is over the age of 18 years.  
10 (b) Is not subject to denial of a certificate under Section 480.  
11 (c) Has a degree as a doctor of optometry issued by a university  
12 located outside of the United States.

13 SEC. 11. Section 3742 of the Business and Professions Code  
14 is amended to read:

15 3742. During the period of any clinical training, a student  
16 respiratory care practitioner shall be under the direct supervision  
17 of a person holding a valid ~~and~~, current, *and unrestricted* license  
18 issued under this chapter. “Under the direct supervision” means  
19 assigned to a respiratory care practitioner who is on duty and  
20 immediately available in the assigned patient care area.

21 SEC. 12. Section 3750 of the Business and Professions Code  
22 is amended to read:

23 3750. The board may order the denial, suspension, or revocation  
24 of, or the imposition of probationary conditions upon, a license  
25 issued under this chapter, for any of the following causes:

- 26 (a) Advertising in violation of Section 651 or Section 17500.  
27 (b) Fraud in the procurement of any license under this chapter.  
28 (c) Knowingly employing unlicensed persons who present  
29 themselves as licensed respiratory care practitioners.  
30 (d) Conviction of a crime that substantially relates to the  
31 qualifications, functions, or duties of a respiratory care practitioner.  
32 The record of conviction or a certified copy thereof shall be  
33 conclusive evidence of the conviction.  
34 (e) Impersonating or acting as a proxy for an applicant in any  
35 examination given under this chapter.  
36 (f) Negligence in his or her practice as a respiratory care  
37 practitioner.  
38 (g) Conviction of a violation of any of the provisions of this  
39 chapter or of any provision of Division 2 (commencing with  
40 Section 500), or violating, or attempting to violate, directly or

1 indirectly, or assisting in or abetting the violation of, or conspiring  
2 to violate any provision or term of this chapter or of any provision  
3 of Division 2 (commencing with Section 500).

4 (h) The aiding or abetting of any person to violate this chapter  
5 or any regulations duly adopted under this chapter.

6 (i) The aiding or abetting of any person to engage in the unlawful  
7 practice of respiratory care.

8 (j) The commission of any fraudulent, dishonest, or corrupt act  
9 which is substantially related to the qualifications, functions, or  
10 duties of a respiratory care practitioner.

11 (k) Falsifying, or making grossly incorrect, grossly inconsistent,  
12 or unintelligible entries in any patient, hospital, or other record.

13 (l) Changing the prescription of a physician and surgeon, or  
14 falsifying verbal or written orders for treatment or a diagnostic  
15 regime received, whether or not that action resulted in actual patient  
16 harm.

17 (m) Denial, suspension, or revocation of any license to practice  
18 by another agency, state, or territory of the United States for any  
19 act or omission that would constitute grounds for the denial,  
20 suspension, or revocation of a license in this state.

21 (n) Except for good cause, the knowing failure to protect patients  
22 by failing to follow infection control guidelines of the board,  
23 thereby risking transmission of blood-borne infectious diseases  
24 from licensee to patient, from patient to patient, and from patient  
25 to licensee. In administering this subdivision, the board shall  
26 consider referencing the standards, regulations, and guidelines of  
27 the State Department of Health Services developed pursuant to  
28 Section 1250.11 of the Health and Safety Code and the standards,  
29 regulations, and guidelines pursuant to the California Occupational  
30 Safety and Health Act of 1973 (Part 1 (commencing with Section  
31 6300) of Division 5 of the Labor Code) for preventing the  
32 transmission of HIV, hepatitis B, and other blood-borne pathogens  
33 in health care settings. As necessary, the board shall consult with  
34 the California Medical Board, the Board of Podiatric Medicine,  
35 the Board of Dental Examiners, the Board of Registered Nursing,  
36 and the Board of Vocational Nursing and Psychiatric Technicians,  
37 to encourage appropriate consistency in the implementation of this  
38 subdivision.

39 The board shall seek to ensure that licensees are informed of the  
40 responsibility of licensees and others to follow infection control

1 guidelines, and of the most recent scientifically recognized  
2 safeguards for minimizing the risk of transmission of blood-borne  
3 infectious diseases.

4 (o) Incompetence in his or her practice as a respiratory care  
5 practitioner.

6 (p) A pattern of substandard care *or negligence in his or her*  
7 *practice as a respiratory care practitioner, or in any capacity as*  
8 *a health care worker, consultant, supervisor, manager or health*  
9 *facility owner, or as a party responsible for the care of another.*

10 SEC. 13. Section 3750.5 of the Business and Professions Code  
11 is amended to read:

12 3750.5. In addition to any other grounds specified in this  
13 chapter, the board may deny, suspend, place on probation, or  
14 revoke the license of any applicant or licenseholder who has done  
15 any of the following:

16 (a) Obtained, possessed, used, or administered to himself or  
17 herself in violation of law, or furnished or administered to another,  
18 any controlled substances as defined in Division 10 (commencing  
19 with Section 11000) of the Health and Safety Code, or any  
20 dangerous drug as defined in Article 2 (commencing with Section  
21 4015) of Chapter 9, except as directed by a licensed physician and  
22 surgeon, dentist, podiatrist, or other authorized health care provider,  
23 *or illegally possessed any associated paraphernalia.*

24 (b) Used any controlled substance as defined in Division 10  
25 (commencing with Section 11000) of the Health and Safety Code,  
26 or any dangerous drug as defined in Article 2 (commencing with  
27 Section 4015) of Chapter 9 of this code, or alcoholic beverages,  
28 to an extent or in a manner dangerous or injurious to himself or  
29 herself, or to others, or that impaired his or her ability to conduct  
30 with safety the practice authorized by his or her license.

31 (c) Applied for employment or worked in any health care  
32 profession or environment while under the influence of alcohol.

33 (d) Been convicted of a criminal offense involving the  
34 consumption or self-administration of any of the substances  
35 described in subdivisions (a) and (b), or the possession of, or  
36 falsification of a record pertaining to, the substances described in  
37 subdivision (a), in which event the record of the conviction is  
38 conclusive evidence thereof.

39 (e) Been committed or confined by a court of competent  
40 jurisdiction for intemperate use of or addiction to the use of any

1 of the substances described in subdivisions (a), (b), and (c), in  
2 which event the court order of commitment or confinement is  
3 prima facie evidence of that commitment or confinement.

4 (f) Falsified, or made grossly incorrect, grossly inconsistent, or  
5 unintelligible entries in any hospital, patient, or other record  
6 pertaining to the substances described in subdivision (a).

7 SEC. 14. Section 4980.04 of the Business and Professions  
8 Code is amended to read:

9 4980.04. This chapter shall be known and may be cited as the  
10 *Licensed Marriage and Family Therapist Act*.

11 SEC. 15. Section 4980.34 of the Business and Professions  
12 Code is amended to read:

13 4980.34. It is the intent of the Legislature that the board employ  
14 its resources for each and all of the following functions:

15 (a) The licensing of marriage and family therapists, clinical  
16 social workers, *professional clinical counselors*, and educational  
17 psychologists.

18 (b) The development and administration of licensing  
19 examinations and examination procedures, as specified, consistent  
20 with prevailing standards for the validation and use of licensing  
21 and certification tests. Examinations shall measure knowledge and  
22 abilities demonstrably important to the safe, effective practice of  
23 the profession.

24 (c) Enforcement of laws designed to protect the public from  
25 incompetent, unethical, or unprofessional practitioners.

26 (d) Consumer education.

27 SEC. 16. Section 4980.398 of the Business and Professions  
28 Code is amended to read:

29 4980.398. (a) Each applicant who had previously taken and  
30 passed the standard written examination *but had not passed the*  
31 *clinical vignette examination* shall also obtain a passing score on  
32 the clinical examination in order to be eligible for licensure.

33 (b) An applicant who had previously failed to obtain a passing  
34 score on the standard written examination shall obtain a passing  
35 score on the California law and ethics examination and the clinical  
36 examination.

37 ~~(c) An applicant who had previously failed to obtain a passing~~  
38 ~~score on the clinical vignette examination shall obtain a passing~~  
39 ~~score on the clinical examination.~~

40 (d)

1 (c) An applicant who had obtained eligibility for the standard  
2 written examination shall take the California law and ethics  
3 examination and the clinical examination.

4 (e)

5 (d) This section shall become operative on January 1, 2013.

6 SEC. 17. Section 4980.399 of the Business and Professions  
7 Code is amended to read:

8 4980.399. (a) ~~Each~~ *Except as provided in Section 4980.398,*  
9 *each* applicant and registrant shall obtain a passing score on a  
10 board-administered California law and ethics examination in order  
11 to qualify for licensure.

12 (b) A registrant shall participate in a board-administered  
13 California law and ethics examination prior to his or her registration  
14 renewal.

15 (c) If an applicant fails the California law and ethics  
16 examination, he or she may retake the examination, upon payment  
17 of the required fees, without further application except as provided  
18 in subdivision (d).

19 (d) If a registrant fails to obtain a passing score on the California  
20 law and ethics examination described in subdivision (a) within his  
21 or her first renewal period on or after the operative date of this  
22 section, he or she shall complete, at a minimum, a 12-hour course  
23 in California law and ethics in order to be eligible to participate  
24 in the California law and ethics examination. Registrants shall only  
25 take the 12-hour California law and ethics course once during a  
26 renewal period. The 12-hour law and ethics course required by the  
27 section shall be taken through a board-approved continuing  
28 education provider, a county, state or governmental entity, or a  
29 college or university.

30 (e) The board shall not issue a subsequent registration number  
31 unless the registrant has passed the California law and ethics  
32 examination.

33 (f) This section shall become operative on January 1, 2013.

34 SEC. 18. Section 4980.78 of the Business and Professions  
35 Code is amended to read:

36 4980.78. (a) This section applies to persons who apply for  
37 licensure or registration on or after January 1, 2014.

38 (b) For purposes of Sections 4980.72 and 4980.74, education  
39 is substantially equivalent if all of the following requirements are  
40 met:

(1) The degree is obtained from a school, college, or university accredited by an accrediting agency recognized by the United States Department of Education and consists of, at a minimum, 48 semester or 72 quarter units, including, but not limited to, both of the following:

(A) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face counseling.

(B) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

(2) The applicant completes any units and course content requirements under subdivision (d) of Section 4980.36 not already completed in his or her education.

(3) The applicant completes credit level coursework from a degree-granting institution that provides all of the following:

(A) Instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery model practice environments.

(B) An understanding of various California cultures and the social and psychological implications of socioeconomic position.

(C) Structured meeting with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(D) Instruction in addiction and co-occurring substance abuse and mental health disorders, as specified in subparagraph (I) of paragraph (2) of subdivision (d) of Section 4980.36.

(4) The applicant completes ~~a~~ *an 18-hour* course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, the Health Insurance Portability and Accountability Act, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to



1 patients, differences in legal and ethical standards in different types  
2 of work settings, and licensing law and licensing process.

3 (5) The applicant's degree title need not be identical to that  
4 required by subdivision (b) of Section 4980.36.

5 SEC. 19. Section 4980.80 of the Business and Professions  
6 Code is amended to read:

7 4980.80. (a) This section applies to persons who apply for  
8 licensure between January 1, 2010, and December 31, 2013,  
9 inclusive.

10 (b) The board may issue a license to a person who, at the time  
11 of application, holds a valid license issued by a board of marriage  
12 counselor examiners, marriage therapist examiners, or  
13 corresponding authority of any state, if all of the following  
14 requirements are satisfied:

15 (1) The person has held that license for at least two years  
16 immediately preceding the date of application.

17 (2) The education and supervised experience requirements are  
18 substantially the equivalent of this chapter.

19 (3) The person complies with Section 4980.76, if applicable.

20 (4) The person successfully completes the board administered  
21 licensing examinations as specified by subdivision (d) of Section  
22 4980.40 and pays the fees specified.

23 (5) The person completes all of the following coursework or  
24 training:

25 (A) (i) An applicant who completed a two semester or three  
26 quarter unit course in law and professional ethics for marriage and  
27 family therapists that ~~included areas of study as specified in~~ *does*  
28 *not meet the requirements of* Section 4980.41 as part of his or her  
29 qualifying degree shall complete an 18-hour course in California  
30 law and professional ethics that includes, but is not limited to, the  
31 following subjects: advertising, scope of practice, scope of  
32 competence, treatment of minors, confidentiality, dangerous  
33 patients, psychotherapist-patient privilege, recordkeeping, patient  
34 access to records, requirements of the Health Insurance Portability  
35 and Accountability Act of 1996, dual relationships, child abuse,  
36 elder and dependent adult abuse, online therapy, insurance  
37 reimbursement, civil liability, disciplinary actions and  
38 unprofessional conduct, ethics complaints and ethical standards,  
39 termination of therapy, standards of care, relevant family law, and  
40 therapist disclosures to patients.

(ii) An applicant who has not completed a two semester or three quarter unit course in law and professional ethics for marriage and family therapists that included areas of study as specified in Section 4980.41 as part of his or her qualifying degree, shall complete a two semester or three quarter unit course in California law and professional ethics that includes, at minimum, the areas of study specified in Section 4980.41.

(B) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.

(C) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25 and any regulations promulgated thereunder.

(D) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency as specified by regulation.

(E) (i) Instruction in spousal or partner abuse assessment, detection, and intervention. This instruction may be taken either in fulfillment of other requirements for licensure or in a separate course.

(ii) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(F) A minimum of a two semester or three quarter unit survey course in psychological testing. This course may be taken either in fulfillment of other requirements for licensure or in a separate course.

(G) A minimum of a two semester or three quarter unit survey course in psychopharmacology. This course may be taken either in fulfillment of other requirements for licensure or in a separate course.

(H) With respect to human sexuality, alcoholism and other chemical substance dependency, spousal or partner abuse assessment, detection, and intervention, psychological testing, and psychopharmacology, the board may accept training or coursework acquired out of state.

(c) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

1 SEC. 20. Section 4984.4 of the Business and Professions Code  
2 is amended to read:

3 4984.4. A license that is not renewed within three years after  
4 its expiration may not be renewed, restored, reinstated, or reissued;  
5 however, the *former* licensee may apply for and obtain a new  
6 license if the following criteria are satisfied:

7 (a) No fact, circumstance, or condition exists that, if the license  
8 were issued, would constitute grounds for its revocation or  
9 suspension.

10 (b) He or she submits an application for examination eligibility  
11 and the fee for that application.

12 (c) He or she takes and passes the current licensing  
13 examinations.

14 (d) He or she submits the fee for initial license issuance.

15 (e) *He or she complies with the fingerprint requirements*  
16 *established by board regulation.*

17 SEC. 21. Section 4989.16 of the Business and Professions  
18 Code is amended to read:

19 4989.16. (a) A person appropriately credentialed by the  
20 Commission on Teacher Credentialing may perform the functions  
21 authorized by that credential in a public school without a license  
22 issued under this chapter by the board.

23 (b) Nothing in this chapter shall be construed to constrict, limit,  
24 or withdraw the Medical Practice Act (Chapter 5 (commencing  
25 with Section 2000)), the Nursing Practice Act (Chapter 6  
26 (commencing with Section 2700)), the Psychology Licensing Law  
27 (Chapter 6.6 (commencing with Section 2900)), the *Licensed*  
28 *Marriage and Family Therapist Practice Act* (Chapter 13  
29 (commencing with Section 4980)), or the Clinical Social Worker  
30 Practice Act (Chapter 14 (commencing with Section 4991)).

31 SEC. 22. Section 4989.42 of the Business and Professions  
32 Code is amended to read:

33 4989.42. A license that is not renewed within three years after  
34 its expiration may not be renewed, restored, reinstated, or reissued  
35 thereafter. A *former* licensee may apply for a new license if he or  
36 she satisfies all of the following requirements:

37 (a) No fact, circumstance, or condition exists that, if the license  
38 were issued, would constitute grounds for its revocation or  
39 suspension.

1 (b) Payment of the fees that would be required if he or she were  
2 applying for a license for the first time.

3 (c) Passage of the current licensure examination.

4 (d) *He or she complies with the fingerprint requirements*  
5 *established by board regulation.*

6 SEC. 23. Section 4992.07 of the Business and Professions  
7 Code is amended to read:

8 4992.07. (a) An applicant who had previously taken and passed  
9 the standard written examination *but had not passed the clinical*  
10 *vignette examination* shall also obtain a passing score on the  
11 clinical examination in order to be eligible for licensure.

12 (b) An applicant who had previously failed to obtain a passing  
13 score on the standard written examination shall obtain a passing  
14 score on the California law and ethics examination and the clinical  
15 examination.

16 ~~(c) An applicant who had previously failed to obtain a passing~~  
17 ~~score on the clinical vignette examination shall obtain a passing~~  
18 ~~score on the clinical examination.~~

19 ~~(d)~~

20 (c) An applicant who had obtained eligibility for the standard  
21 written examination shall take the California law and ethics  
22 examination and the clinical examination.

23 ~~(e)~~

24 (d) This section shall become operative on January 1, 2013.

25 SEC. 24. Section 4992.09 of the Business and Professions  
26 Code is amended to read:

27 4992.09. (a) ~~An~~ *Except as provided in Section 4992.07, an*  
28 applicant and registrant shall obtain a passing score on a  
29 board-administered California law and ethics examination in order  
30 to qualify for licensure.

31 (b) A registrant shall participate in a board-administered  
32 California law and ethics examination prior to his or her registration  
33 renewal.

34 (c) If an applicant fails the California law and ethics  
35 examination, he or she may retake the examination, upon payment  
36 of the required fees, without further application except for as  
37 provided in subdivision (d).

38 (d) If a registrant fails to obtain a passing score on the California  
39 law and ethics examination described in subdivision (a) within his  
40 or her first renewal period on or after the operative date of this

1 section, he or she shall complete, at a minimum, a 12-hour course  
2 in California law and ethics in order to be eligible to participate  
3 in the California law and ethics examination. Registrants shall only  
4 take the 12-hour California law and ethics course once during a  
5 renewal period. The 12-hour law and ethics course required by the  
6 section shall be taken through a board-approved continuing  
7 education provider, a county, state or governmental entity, or a  
8 college or university.

9 (e) The board shall not issue a subsequent registration number  
10 unless the registrant has passed the California law and ethics  
11 examination.

12 (f) This section shall become operative on January 1, 2013.

13 SEC. 25. Section 4996.6 of the Business and Professions Code  
14 is amended to read:

15 4996.6. (a) Licenses issued under this chapter shall expire no  
16 more than 24 months after the issue date. The expiration date of  
17 the original license shall be set by the board.

18 (b) To renew an unexpired license, the licensee shall, on or  
19 before the expiration date of the license, complete the following  
20 actions:

21 (1) Apply for a renewal on a form prescribed by the board.

22 (2) Pay a two-year renewal fee prescribed by the board.

23 (3) Certify compliance with the continuing education  
24 requirements set forth in Section 4996.22.

25 (4) Notify the board whether he or she has been convicted, as  
26 defined in Section 490, of a misdemeanor or felony, or whether  
27 any disciplinary action has been taken by any regulatory or  
28 licensing board in this or any other state, subsequent to the  
29 licensee's last renewal.

30 (c) To renew an expired license within three years of its  
31 expiration, the licensee shall, as a condition precedent to renewal,  
32 complete all of the actions described in subdivision (b) and pay a  
33 delinquency fee.

34 (d) A license that is not renewed within three years after its  
35 expiration may not be renewed, restored, reinstated, or reissued  
36 thereafter; however, the *former* licensee may apply for and obtain  
37 a new license if he or she satisfies all of the following requirements:

38 (1) No fact, circumstance, or condition exists that, if the license  
39 were issued, would justify its revocation or suspension.

40 (2) He or she submits an application for examination eligibility.

1 (3) He or she takes and passes the current licensing  
2 examinations.

3 (4) He or she submits the fees for examination eligibility and  
4 for initial license issuance.

5 (5) *He or she complies with the fingerprint requirements*  
6 *established by board regulation.*

7 SEC. 26. Section 4999.22 of the Business and Professions  
8 Code is amended to read:

9 4999.22. (a) Nothing in this chapter shall prevent qualified  
10 persons from doing work of a psychosocial nature consistent with  
11 the standards and ethics of their respective professions. However,  
12 these qualified persons shall not hold themselves out to the public  
13 by any title or description of services incorporating the words  
14 “licensed professional clinical counselor” and shall not state that  
15 they are licensed to practice professional clinical counseling, unless  
16 they are otherwise licensed to provide professional clinical  
17 counseling services.

18 (b) Nothing in this chapter shall be construed to constrict, limit,  
19 or withdraw provisions of the Medical Practice Act, the Clinical  
20 Social Worker Practice Act, the Nursing Practice Act, the  
21 Psychology Licensing Law, or the *Licensed Marriage and Family*  
22 *Therapy licensing laws Therapist Act.*

23 (c) This chapter shall not apply to any priest, rabbi, or minister  
24 of the gospel of any religious denomination who performs  
25 counseling services as part of his or her pastoral or professional  
26 duties, or to any person who is admitted to practice law in this  
27 state, or who is licensed to practice medicine, who provides  
28 counseling services as part of his or her professional practice.

29 (d) This chapter shall not apply to an employee of a  
30 governmental entity or a school, college, or university, or of an  
31 institution both nonprofit and charitable, if his or her practice is  
32 performed solely under the supervision of the entity, school,  
33 college, university, or institution by which he or she is employed,  
34 and if he or she performs those functions as part of the position  
35 for which he or she is employed.

36 (e) All persons registered as interns or licensed under this  
37 chapter shall not be exempt from this chapter or the jurisdiction  
38 of the board.

39 SEC. 27. Section 4999.32 of the Business and Professions  
40 Code is amended to read:

1 4999.32. (a) This section shall apply to applicants for  
2 examination eligibility or registration who begin graduate study  
3 before August 1, 2012, and complete that study on or before  
4 December 31, 2018. Those applicants may alternatively qualify  
5 under paragraph (2) of subdivision (a) of Section 4999.33.

6 (b) To qualify for examination eligibility or registration,  
7 applicants shall possess a master's or doctoral degree that is  
8 counseling or psychotherapy in content and that meets the  
9 requirements of this section, obtained from an accredited or  
10 approved institution, as defined in Section 4999.12. For purposes  
11 of this subdivision, a degree is "counseling or psychotherapy in  
12 content" if it contains the supervised practicum or field study  
13 experience described in paragraph (3) of subdivision (c) and, except  
14 as provided in subdivision (d), the coursework in the core content  
15 areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1)  
16 of subdivision (c).

17 (c) The degree described in subdivision (b) shall contain not  
18 less than 48 graduate semester or 72 graduate quarter units of  
19 instruction, which shall, except as provided in subdivision (d),  
20 include all of the following:

21 (1) The equivalent of at least three semester units or four and  
22 one-half quarter units of graduate study in each of following core  
23 content areas:

24 (A) Counseling and psychotherapeutic theories and techniques,  
25 including the counseling process in a multicultural society, an  
26 orientation to wellness and prevention, counseling theories to assist  
27 in selection of appropriate counseling interventions, models of  
28 counseling consistent with current professional research and  
29 practice, development of a personal model of counseling, and  
30 multidisciplinary responses to crises, emergencies, and disasters.

31 (B) Human growth and development across the lifespan,  
32 including normal and abnormal behavior and an understanding of  
33 developmental crises, disability, psychopathology, and situational  
34 and environmental factors that affect both normal and abnormal  
35 behavior.

36 (C) Career development theories and techniques, including  
37 career development decisionmaking models and interrelationships  
38 among and between work, family, and other life roles and factors,  
39 including the role of multicultural issues in career development.

1 (D) Group counseling theories and techniques, including  
2 principles of group dynamics, group process components,  
3 developmental stage theories, therapeutic factors of group work,  
4 group leadership styles and approaches, pertinent research and  
5 literature, group counseling methods, and evaluation of  
6 effectiveness.

7 (E) Assessment, appraisal, and testing of individuals, including  
8 basic concepts of standardized and nonstandardized testing and  
9 other assessment techniques, norm-referenced and  
10 criterion-referenced assessment, statistical concepts, social and  
11 cultural factors related to assessment and evaluation of individuals  
12 and groups, and ethical strategies for selecting, administering, and  
13 interpreting assessment instruments and techniques in counseling.

14 (F) Multicultural counseling theories and techniques, including  
15 counselors' roles in developing cultural self-awareness, identity  
16 development, promoting cultural social justice, individual and  
17 community strategies for working with and advocating for diverse  
18 populations, and counselors' roles in eliminating biases and  
19 prejudices, and processes of intentional and unintentional  
20 oppression and discrimination.

21 (G) Principles of the diagnostic process, including differential  
22 diagnosis, and the use of current diagnostic tools, such as the  
23 current edition of the Diagnostic and Statistical Manual, the impact  
24 of co-occurring substance use disorders or medical psychological  
25 disorders, established diagnostic criteria for mental or emotional  
26 disorders, and the treatment modalities and placement criteria  
27 within the continuum of care.

28 (H) Research and evaluation, including studies that provide an  
29 understanding of research methods, statistical analysis, the use of  
30 research to inform evidence-based practice, the importance of  
31 research in advancing the profession of counseling, and statistical  
32 methods used in conducting research, needs assessment, and  
33 program evaluation.

34 (I) Professional orientation, ethics, and law in counseling,  
35 including professional ethical standards and legal considerations,  
36 licensing law and process, regulatory laws that delineate the  
37 profession's scope of practice, counselor-client privilege,  
38 confidentiality, the client dangerous to self or others, treatment of  
39 minors with or without parental consent, relationship between  
40 practitioner's sense of self and human values, functions and



relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.

(2) In addition to the course requirements described in paragraph (1), a minimum of 12 semester units or 18 quarter units of advanced coursework to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience, or the equivalent, in a clinical setting that provides a range of professional clinical counseling experience, including the following:

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

(F) Issues of development, adjustment, and maladjustment.

(G) Health and wellness promotion.

(H) Other recognized counseling interventions.

(I) A minimum of 150 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) (1) An applicant whose degree is deficient in no more than two of the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

(e) In addition to the degree described in this section, or as part of that degree, an applicant shall complete the following coursework or training prior to registration as an intern:

1 (1) A minimum of 15 contact hours of instruction in alcoholism  
2 and other chemical substance abuse dependency, as specified by  
3 regulation.

4 (2) A minimum of 10 contact hours of training or coursework  
5 in human sexuality as specified in Section 25, and any regulations  
6 promulgated thereunder.

7 (3) A two semester unit or three quarter unit survey course in  
8 psychopharmacology.

9 (4) A minimum of 15 contact hours of instruction in spousal or  
10 partner abuse assessment, detection, and intervention strategies,  
11 including knowledge of community resources, cultural factors,  
12 and same gender abuse dynamics.

13 (5) A minimum of seven contact hours of training or coursework  
14 in child abuse assessment and reporting as specified in Section 28  
15 and any regulations adopted thereunder.

16 (6) A minimum of 18 contact hours of instruction in California  
17 law and professional ethics for professional clinical counselors  
18 *that includes, but is not limited to, instruction in advertising, scope*  
19 *of practice, scope of competence, treatment of minors,*  
20 *confidentiality, dangerous clients, psychotherapist-client privilege,*  
21 *recordkeeping, client access to records, dual relationships, child*  
22 *abuse, elder and dependent adult abuse, online therapy, insurance*  
23 *reimbursement, civil liability, disciplinary actions and*  
24 *unprofessional conduct, ethics complaints and ethical standards,*  
25 *termination of therapy, standards of care, relevant family law,*  
26 *therapist disclosures to clients, and state and federal laws related*  
27 *to confidentiality of patient health information.* When coursework  
28 in a master's or doctoral degree program is acquired to satisfy this  
29 requirement, it shall be considered as part of the 48 semester unit  
30 or 72 quarter unit requirement in subdivision (c).

31 (7) A minimum of 10 contact hours of instruction in aging and  
32 long-term care, which may include, but is not limited to, the  
33 biological, social, and psychological aspects of aging. On and after  
34 January 1, 2012, this coursework shall include instruction on the  
35 assessment and reporting of, as well as treatment related to, elder  
36 and dependent adult abuse and neglect.

37 (8) A minimum of 15 contact hours of instruction in crisis or  
38 trauma counseling, including multidisciplinary responses to crises,  
39 emergencies, or disasters, and brief, intermediate, and long-term  
40 approaches.

1 (f) This section shall remain in effect only until January 1, 2019,  
2 and as of that date is repealed, unless a later enacted statute that  
3 is enacted before January 1, 2019, deletes or extends that date.

4 SEC. 28. Section 4999.45 of the Business and Professions  
5 Code, as amended by Section 32 of Chapter 387 of the Statutes of  
6 2011, is repealed.

7 ~~4999.45.—An intern employed under this chapter shall:~~

8 ~~(a) Not perform any duties, except for those services provided~~  
9 ~~as a clinical counselor trainee, until registered as an intern.~~

10 ~~(b) Not be employed or volunteer in a private practice until~~  
11 ~~registered as an intern.~~

12 ~~(c) Inform each client prior to performing any professional~~  
13 ~~services that he or she is unlicensed and under supervision.~~

14 ~~(d) File for renewal annually for a maximum of five years after~~  
15 ~~initial registration with the board.~~

16 ~~(e) Cease continued employment as an intern after six years~~  
17 ~~unless the requirements of subdivision (f) are met.~~

18 ~~(f) When no further renewals are possible, an applicant may~~  
19 ~~apply for and obtain a new intern registration if the applicant meets~~  
20 ~~the educational requirements for registration in effect at the time~~  
21 ~~of the application for a new intern registration. An applicant issued~~  
22 ~~a subsequent intern registration pursuant to this subdivision may~~  
23 ~~be employed or volunteer in any allowable work setting except~~  
24 ~~private practice.~~

25 ~~(g) This section shall remain in effect only until January 1, 2013,~~  
26 ~~and as of that date is repealed, unless a later enacted statute, that~~  
27 ~~is enacted before January 1, 2013, deletes or extends that date.~~

28 SEC. 29. Section 4999.45 of the Business and Professions  
29 Code, as added by Section 33 of Chapter 387 of the Statutes of  
30 2011, is amended to read:

31 4999.45. (a) An intern employed under this chapter shall:

32 (1) Not perform any duties, except for those services provided  
33 as a clinical counselor trainee, until registered as an intern.

34 (2) Not be employed or volunteer in a private practice until  
35 registered as an intern.

36 (3) Inform each client prior to performing any professional  
37 services that he or she is unlicensed and under supervision.

38 (4) ~~File for renewal~~ *Renew* annually for a maximum of five  
39 years after initial registration with the board.

1 ~~(5) Cease continued employment as an intern after six years~~  
2 ~~unless the requirements of subdivision (b) are met.~~

3 (b) When no further renewals are possible, an applicant may  
4 apply for and obtain a new intern registration if the applicant meets  
5 the educational requirements for registration in effect at the time  
6 of the application for a new intern registration and has passed the  
7 California law and ethics examination described in Section  
8 4999.53. An applicant issued a subsequent intern registration  
9 pursuant to this subdivision may be employed or volunteer in any  
10 allowable work setting except private practice.

11 ~~(e) This section shall become operative on January 1, 2013.~~

12 SEC. 30. Section 4999.57 of the Business and Professions  
13 Code is amended to read:

14 4999.57. (a) This section applies to a person who applies for  
15 examination eligibility or registration between January 1, 2011,  
16 and December 31, 2013, inclusive, who does not hold a license  
17 described in subdivision (a) of Section 4999.58.

18 (b) Experience gained outside of California shall be accepted  
19 toward the licensure requirements if it is substantially equivalent  
20 to that required by this chapter, if the applicant complies with  
21 Section 4999.40, if applicable, and if the applicant has gained a  
22 minimum of 250 hours of supervised experience in direct  
23 counseling within California while registered as an intern with the  
24 board.

25 (c) Education gained while residing outside of California shall  
26 be accepted toward the licensure requirements if it is substantially  
27 equivalent to the education requirements of this chapter, if the  
28 applicant has completed the training or coursework required under  
29 subdivision (e) of Section 4999.32, ~~and if the applicant completes~~  
30 *which includes*, in addition to the course described in subparagraph  
31 (I) of paragraph (1) of subdivision (c) of Section 4999.32, an  
32 18-hour course in California law and professional ethics ~~that~~  
33 ~~includes, but is not limited to, instruction in advertising, scope of~~  
34 ~~practice, scope of competence, treatment of minors, confidentiality,~~  
35 ~~dangerous clients, psychotherapist-client privilege, recordkeeping,~~  
36 ~~client access to records, the Health Insurance Portability and~~  
37 ~~Accountability Act, dual relationships, child abuse, elder and~~  
38 ~~dependent adult abuse, online therapy, insurance reimbursement,~~  
39 ~~civil liability, disciplinary actions and unprofessional conduct,~~  
40 ~~ethics complaints and ethical standards, termination of therapy,~~

1 ~~standards of care, relevant family law, and therapist disclosures~~  
2 ~~to clients for professional clinical counselors.~~

3 (d) For purposes of this section, the board may, in its discretion,  
4 accept education as substantially equivalent if the applicant's  
5 education meets the requirements of Section 4999.32. If the  
6 applicant's degree does not contain the content or the overall units  
7 required by Section 4999.32, the board may, in its discretion, accept  
8 the applicant's education as substantially equivalent if the following  
9 criteria are satisfied:

10 (1) The applicant's degree contains the required number of  
11 practicum units under paragraph (3) of subdivision (c) of Section  
12 4999.32.

13 (2) The applicant remediates his or her specific deficiency by  
14 completing the course content and units required by Section  
15 4999.32.

16 (3) The applicant's degree otherwise complies with this section.

17 (e) This section shall become inoperative on January 1, 2014,  
18 and as of that date is repealed, unless a later enacted statute, which  
19 is enacted before January 1, 2014, deletes or extends that date.

20 SEC. 31. Section 4999.58 of the Business and Professions  
21 Code is amended to read:

22 4999.58. (a) This section applies to a person who applies for  
23 examination eligibility between January 1, 2011, and December  
24 31, 2013, inclusive, and who meets both of the following  
25 requirements:

26 (1) At the time of application, holds a valid license as a  
27 professional clinical counselor, or other counseling license that  
28 allows the applicant to independently provide clinical mental health  
29 services, in another jurisdiction of the United States.

30 (2) Has held the license described in paragraph (1) for at least  
31 two years immediately preceding the date of application.

32 (b) The board may issue a license to a person described in  
33 subdivision (a) if all of the following requirements are satisfied:

34 (1) The education and supervised experience requirements of  
35 the other jurisdiction are substantially the equivalent of this chapter,  
36 as described in subdivision (e) and in Section 4999.46.

37 (2) The person complies with subdivision (b) of Section 4999.40,  
38 if applicable.

(3) The person successfully completes the examinations required by the board pursuant to paragraph (3) of subdivision (a) of Section 4999.50.

(4) The person pays the required fees.

(c) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to that required by this chapter. The board shall consider hours of experience obtained in another state during the six-year period immediately preceding the applicant's initial licensure by that state as a licensed professional clinical counselor.

(d) Education gained while residing outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to the education requirements of this chapter, if the applicant has completed the training or coursework required under subdivision (e) of Section 4999.32, ~~and if the applicant completes which includes~~, in addition to the course described in subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.32, an 18-hour course in California law and professional ethics ~~that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, the Health Insurance Portability and Accountability Act, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients for professional clinical counselors.~~

(e) For purposes of this section, the board may, in its discretion, accept education as substantially equivalent if the applicant's education meets the requirements of Section 4999.32. If the applicant's degree does not contain the content or the overall units required by Section 4999.32, the board may, in its discretion, accept the applicant's education as substantially equivalent if the following criteria are satisfied:

(1) The applicant's degree contains the required number of practicum units under paragraph (3) of subdivision (c) of Section 4999.32.

1 (2) The applicant remediates his or her specific deficiency by  
2 completing the course content and units required by Section  
3 4999.32.

4 (3) The applicant's degree otherwise complies with this section.

5 (f) This section shall become inoperative on January 1, 2014,  
6 and as of that date is repealed, unless a later enacted statute, which  
7 is enacted before January 1, 2014, deletes or extends that date.

8 SEC. 32. Section 4999.59 of the Business and Professions  
9 Code is amended to read:

10 4999.59. (a) This section applies to a person who applies for  
11 examination eligibility or registration between January 1, 2011,  
12 and December 31, 2013, inclusive, who meets both of the following  
13 requirements:

14 (1) At the time of application, holds a valid license described  
15 in paragraph (1) of subdivision (a) of Section 4999.58.

16 (2) Has held the license described in paragraph (1) for less than  
17 two years immediately preceding the date of application.

18 (b) Experience gained outside of California shall be accepted  
19 toward the licensure requirements if it is substantially equivalent  
20 to that required by this chapter, if the applicant complies with  
21 Section 4999.40, if applicable, and if the applicant has gained a  
22 minimum of 250 hours of supervised experience in direct  
23 counseling within California while registered as an intern with the  
24 board. The board shall consider hours of experience obtained in  
25 another state during the six-year period immediately preceding the  
26 applicant's initial licensure in that state as a professional clinical  
27 counselor.

28 (c) Education gained while residing outside of California shall  
29 be accepted toward the licensure requirements if it is substantially  
30 equivalent to the education requirements of this chapter, if the  
31 applicant has completed the training or coursework required under  
32 subdivision (e) of Section 4999.32, ~~and if the applicant completes~~  
33 *which includes*, in addition to the course described in subparagraph  
34 (I) of paragraph (1) of subdivision (c) of Section 4999.32, an  
35 18-hour course in California law and professional ethics ~~that~~  
36 ~~includes, but is not limited to, instruction in advertising, scope of~~  
37 ~~practice, scope of competence, treatment of minors, confidentiality,~~  
38 ~~dangerous clients, psychotherapist-client privilege, recordkeeping,~~  
39 ~~client access to records, the Health Insurance Portability and~~  
40 ~~Accountability Act, dual relationships, child abuse, elder and~~

1 ~~dependent adult abuse, online therapy, insurance reimbursement,~~  
2 ~~civil liability, disciplinary actions and unprofessional conduct,~~  
3 ~~ethics complaints and ethical standards, termination of therapy,~~  
4 ~~standards of care, relevant family law, and therapist disclosures~~  
5 ~~to clients for professional clinical counselors.~~

6 (d) For purposes of this section, the board may, in its discretion,  
7 accept education as substantially equivalent if the applicant's  
8 education meets the requirements of Section 4999.32. If the  
9 applicant's degree does not contain the content or the overall units  
10 required by Section 4999.32, the board may, in its discretion, accept  
11 the applicant's education as substantially equivalent if the following  
12 criteria are satisfied:

13 (1) The applicant's degree contains the required number of  
14 practicum units under paragraph (3) of subdivision (c) of Section  
15 4999.32.

16 (2) The applicant remediates his or her specific deficiency by  
17 completing the course content and units required by Section  
18 4999.32.

19 (3) The applicant's degree otherwise complies with this section.

20 (e) This section shall become inoperative on January 1, 2014,  
21 and as of that date is repealed, unless a later enacted statute, which  
22 is enacted before January 1, 2014, deletes or extends that date.

23 SEC. 33. Section 4999.90 of the Business and Professions  
24 Code is amended to read:

25 4999.90. The board may refuse to issue any registration or  
26 license, or may suspend or revoke the registration or license of  
27 any intern or licensed professional clinical counselor, if the  
28 applicant, licensee, or registrant has been guilty of unprofessional  
29 conduct. Unprofessional conduct includes, but is not limited to,  
30 the following:

31 (a) The conviction of a crime substantially related to the  
32 qualifications, functions, or duties of a licensee or registrant under  
33 this chapter. The record of conviction shall be conclusive evidence  
34 only of the fact that the conviction occurred. The board may inquire  
35 into the circumstances surrounding the commission of the crime  
36 in order to fix the degree of discipline or to determine if the  
37 conviction is substantially related to the qualifications, functions,  
38 or duties of a licensee or registrant under this chapter. A plea or  
39 verdict of guilty or a conviction following a plea of nolo contendere  
40 made to a charge substantially related to the qualifications,



1 functions, or duties of a licensee or registrant under this chapter  
2 shall be deemed to be a conviction within the meaning of this  
3 section. The board may order any license or registration suspended  
4 or revoked, or may decline to issue a license or registration when  
5 the time for appeal has elapsed, or the judgment of conviction has  
6 been affirmed on appeal, or, when an order granting probation is  
7 made suspending the imposition of sentence, irrespective of a  
8 subsequent order under Section 1203.4 of the Penal Code allowing  
9 the person to withdraw a plea of guilty and enter a plea of not  
10 guilty, or setting aside the verdict of guilty, or dismissing the  
11 accusation, information, or indictment.

12 (b) Securing a license or registration by fraud, deceit, or  
13 misrepresentation on any application for licensure or registration  
14 submitted to the board, whether engaged in by an applicant for a  
15 license or registration, or by a licensee in support of any application  
16 for licensure or registration.

17 (c) Administering to himself or herself any controlled substance  
18 or using any of the dangerous drugs specified in Section 4022, or  
19 any alcoholic beverage to the extent, or in a manner, as to be  
20 dangerous or injurious to the person applying for a registration or  
21 license or holding a registration or license under this chapter, or  
22 to any other person, or to the public, or, to the extent that the use  
23 impairs the ability of the person applying for or holding a  
24 registration or license to conduct with safety to the public the  
25 practice authorized by the registration or license, ~~or the conviction~~  
26 ~~of more than one misdemeanor or any felony involving the use,~~  
27 ~~consumption, or self-administration of any of the substances~~  
28 ~~referred to in this subdivision, or any combination thereof.~~ The  
29 board shall deny an application for a registration or license or  
30 revoke the license or registration of any person, other than one  
31 who is licensed as a physician and surgeon, who uses or offers to  
32 use drugs in the course of performing licensed professional clinical  
33 counseling services.

34 (d) Gross negligence or incompetence in the performance of  
35 licensed professional clinical counseling services.

36 (e) Violating, attempting to violate, or conspiring to violate any  
37 of the provisions of this chapter or any regulation adopted by the  
38 board.

39 (f) Misrepresentation as to the type or status of a license or  
40 registration held by the person, or otherwise misrepresenting or

1 permitting misrepresentation of his or her education, professional  
2 qualifications, or professional affiliations to any person or entity.

3 (g) Impersonation of another by any licensee, registrant, or  
4 applicant for a license or registration, or, in the case of a licensee  
5 or registrant, allowing any other person to use his or her license  
6 or registration.

7 (h) Aiding or abetting, or employing, directly or indirectly, any  
8 unlicensed or unregistered person to engage in conduct for which  
9 a license or registration is required under this chapter.

10 (i) Intentionally or recklessly causing physical or emotional  
11 harm to any client.

12 (j) The commission of any dishonest, corrupt, or fraudulent act  
13 substantially related to the qualifications, functions, or duties of a  
14 licensee or registrant.

15 (k) Engaging in sexual relations with a client, or a former client  
16 within two years following termination of therapy, soliciting sexual  
17 relations with a client, or committing an act of sexual abuse, or  
18 sexual misconduct with a client, or committing an act punishable  
19 as a sexually related crime, if that act or solicitation is substantially  
20 related to the qualifications, functions, or duties of a licensed  
21 professional clinical counselor.

22 (l) Performing, or holding oneself out as being able to perform,  
23 or offering to perform, or permitting any ~~clinical counselor~~ trainee  
24 ~~or intern~~, *applicant, or registrant* under supervision to perform,  
25 any professional services beyond the scope of the license authorized  
26 by this chapter.

27 (m) Failure to maintain confidentiality, except as otherwise  
28 required or permitted by law, of all information that has been  
29 received from a client in confidence during the course of treatment  
30 and all information about the client which is obtained from tests  
31 or other means.

32 (n) Prior to the commencement of treatment, failing to disclose  
33 to the client or prospective client the fee to be charged for the  
34 professional services, or the basis upon which that fee will be  
35 computed.

36 (o) Paying, accepting, or soliciting any consideration,  
37 compensation, or remuneration, whether monetary or otherwise,  
38 for the referral of professional clients. All consideration,  
39 compensation, or remuneration shall be in relation to professional  
40 clinical counseling services actually provided by the licensee.

1 Nothing in this subdivision shall prevent collaboration among two  
2 or more licensees in a case or cases. However, no fee shall be  
3 charged for that collaboration, except when disclosure of the fee  
4 has been made in compliance with subdivision (n).

5 (p) Advertising in a manner that is false, fraudulent, misleading,  
6 or deceptive, as defined in Section 651.

7 (q) Reproduction or description in public, or in any publication  
8 subject to general public distribution, of any psychological test or  
9 other assessment device, the value of which depends in whole or  
10 in part on the naivete of the subject, in ways that might invalidate  
11 the test or device.

12 (r) Any conduct in the supervision of a registered intern,  
13 associate clinical social worker, or clinical counselor trainee by  
14 any licensee that violates this chapter or any rules or regulations  
15 adopted by the board.

16 (s) Performing or holding oneself out as being able to perform  
17 professional services beyond the scope of one's competence, as  
18 established by one's education, training, or experience. This  
19 subdivision shall not be construed to expand the scope of the  
20 license authorized by this chapter.

21 (t) Permitting a clinical counselor trainee or intern under one's  
22 supervision or control to perform, or permitting the clinical  
23 counselor trainee or intern to hold himself or herself out as  
24 competent to perform, professional services beyond the clinical  
25 counselor trainee's or intern's level of education, training, or  
26 experience.

27 (u) The violation of any statute or regulation of the standards  
28 of the profession, and the nature of the services being rendered,  
29 governing the gaining and supervision of experience required by  
30 this chapter.

31 (v) Failure to keep records consistent with sound clinical  
32 judgment, the standards of the profession, and the nature of the  
33 services being rendered.

34 (w) Failure to comply with the child abuse reporting  
35 requirements of Section 11166 of the Penal Code.

36 (x) Failing to comply with the elder and dependent adult abuse  
37 reporting requirements of Section 15630 of the Welfare and  
38 Institutions Code.

39 (y) Repeated acts of negligence.

(z) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(aa) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.

(ab) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a professional clinical counselor, clinical social worker, educational psychologist, *professional clinical counselor*, or marriage and family therapist.

(ac) Failing to comply with the procedures set forth in Section 2290.5 when delivering health care via telemedicine.

(ad) *Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.*

SEC. 34. Section 4999.106 of the Business and Professions Code is amended to read:

4999.106. A license that is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued, except that a former licensee may apply for and obtain a new license if he or she complies with all of the following:

(a) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.

(b) He or she takes and passes the current examinations required for licensing.

(c) He or she submits an application for initial licensure.

(d) *He or she meets the requirements pursuant to Section 4999.51.*

1 SEC. 35. Section 4999.120 of the Business and Professions  
2 Code is amended to read:

3 4999.120. The board shall assess fees for the application for  
4 and the issuance and renewal of licenses and for the registration  
5 of interns to cover administrative and operating expenses of the  
6 board related to this chapter. Fees assessed pursuant to this section  
7 shall not exceed the following:

8 (a) The fee for the application for examination eligibility shall  
9 be up to two hundred fifty dollars (\$250).

10 (b) The fee for the application for intern registration shall be up  
11 to one hundred fifty dollars (\$150).

12 (c) The fee for the application for licensure shall be up to one  
13 hundred eighty dollars (\$180).

14 (d) The fee for the board-administered clinical examination, if  
15 the board chooses to adopt this examination in regulations, shall  
16 be up to two hundred fifty dollars (\$250).

17 (e) The fee for the law and ethics examination shall be up to  
18 one hundred fifty dollars (\$150).

19 (f) The fee for the examination described in subdivision (b) of  
20 Section 4999.54 shall be up to one hundred dollars (\$100).

21 (g) The fee for the issuance of a license shall be up to two  
22 hundred fifty dollars (\$250).

23 ~~(h) The fee for annual renewal of licenses issued pursuant to~~  
24 ~~Section 4999.54 shall be up to one hundred fifty dollars (\$150).~~

25 ~~(i)~~

26 (h) The fee for annual renewal of an intern registration shall be  
27 up to one hundred fifty dollars (\$150).

28 ~~(j)~~

29 (i) The fee for two-year renewal of licenses shall be up to two  
30 hundred fifty dollars (\$250).

31 ~~(k)~~

32 (j) The fee for issuance of a retired license shall be forty dollars  
33 (\$40).

34 ~~(l)~~

35 (k) The fee for rescoring an examination shall be twenty dollars  
36 (\$20).

37 ~~(m)~~

38 (l) The fee for issuance of a replacement license or registration  
39 shall be twenty dollars (\$20).

40 ~~(n)~~

1     (m) The fee for issuance of a certificate or letter of good standing  
2     shall be twenty-five dollars (\$25).  
3     SEC. 36. No reimbursement is required by this act pursuant to  
4     Section 6 of Article XIII B of the California Constitution because  
5     the only costs that may be incurred by a local agency or school  
6     district will be incurred because this act creates a new crime or  
7     infraction, eliminates a crime or infraction, or changes the penalty  
8     for a crime or infraction, within the meaning of Section 17556 of  
9     the Government Code, or changes the definition of a crime within  
10    the meaning of Section 6 of Article XIII B of the California  
11    Constitution.